

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

**ELIZABETH A. SMITH**

**V.**

**JO ANNE B. BARNHART,<sup>1</sup>  
COMMISSIONER OF SOCIAL  
SECURITY ADMINISTRATION**

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**NO. 1:06-CV-70**

**MEMORANDUM OPINION ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

The Court heretofore ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration pursuant to applicable law and orders of this Court. The Court has received and considered the Report of the United States Magistrate Judge pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report of the United States Magistrate Judge were filed by the parties.

The court concludes that the findings of fact and conclusions of law of the United States Magistrate Judge are correct and the Report of the United States Magistrate Judge is **ADOPTED**. A Final Judgment will be entered separately, remanding this action to the Commissioner for rehearing under the fourth sentence of 42 U.S.C. § 405(g).

So **ORDERED** and **SIGNED** this **2** day of **August, 2007**.



Ron Clark, United States District Judge

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<sup>1</sup> Michael J. Astrue was appointed Commissioner of Social Security Administration on February 12, 2007. He is automatically substituted as a party under 42 U.S.C § 405(g) and Rule 25(d)(1), Federal Rules of Civil Procedure.